

VILLAGE OF PENINSULA, OHIO
RESOLUTION NO.: 11-2019
INTRODUCED BY: Councilperson Kaplan
DATE PASSED: 11-11-2019

A RESOLUTION AUTHORIZING THE ADOPTION OF RULES OF COUNCIL

WHEREAS, Section 731.45 of the Ohio Revised Code authorizes Council to determine its own rules; and

WHEREAS, Council desires to adopt Rules of Council that would serve to govern the operations of Council and Councilmembers.

NOW, THEREFORE, BE IT ORDAINED by the Council of the Village of Peninsula, Summit County, Ohio, to wit:

SECTION 1. That Council hereby adopts the Rules of Council that are attached hereto and incorporated herein by reference. These Rules of Council shall cease to be in effect as of January 1, 2021 unless Council takes affirmative action to extend or eliminate the expiration date of the Rules.

SECTION 2. That all formal actions of this Council concerning and relating to the adoption of this Resolution were taken in an open meeting of this Council, and all deliberations of this Council or any of its committees that resulted in such formal action were taken in meetings open to the public and/or in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

SECTION 3. That this Resolution shall take effect and be in force after the earliest period permitted by law.

SECTION 4. Effective Date. This Resolution shall take effect on the 11 day of November, 2019.

IN WITNESS WHEREOF, we have hereunto set our hands this 11 day of November, 2019.

Passed:



Douglas G. Mayer, Mayor

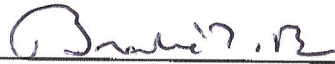
Attest:



Fiscal Officer

RESOLUTION 11-2019
PAGE TWO

Approved as to Legal Form.



Bradric T. Bryan, Solicitor

I, Fiscal Officer of the Village of Peninsula, Summit County, Ohio, do hereby certify that the foregoing Resolution was duly passed by the Council of the Village of Peninsula, at a meeting held on the _____ day of _____, 2019.



Fiscal Officer

Posting Certificate

I, Fiscal Officer of the Village of Peninsula, Summit County, Ohio, hereby certify that there is no newspaper published in the Municipality, and publication of the foregoing Resolution was made by posting true and accurate copies thereof at five of the most public places in the Village as previously determined by Council, each for a period of at least fifteen days, commencing on the 11 day of November, 2019, as follows:

1. Terry Lumber & Supply
2. Valley Fire District;
3. Peninsula Library & Historical Society;
4. Peninsula Village Hall Lobby; and
5. Peninsula Post Office.



Fiscal Officer

VILLAGE OF PENINSULA RULES OF COUNCIL

RULE 1	PUBLIC & OPEN MEETINGS
RULE 2	CORRESPONDENCE AND COMMUNICATIONS
RULE 3	MEETINGS
RULE 4	ORGANIZATIONAL MEETING
RULE 5	CONFLICTS OF INTEREST
RULE 6	ORDER OF BUSINESS
RULE 7	MAYOR'S AUTHORITY
RULE 8	EXECUTIVE SESSION
RULE 9	ADJOURNMENT
RULE 10	RECORD OF PROCEEDINGS
RULE 11	MEETING PREPARATION
RULE 12	SPECIAL COMMITTEES
RULE 13	REPORTS
RULE 14	TIMELINESS OF REPORTS
RULE 15	VOTES AND VOTING
RULE 16	SPOKESPERSON FOR COUNCIL MATTERS
RULE 17	MEETING ATTENDANCE

RULE 1 PUBLIC & OPEN MEETINGS

1. All official meetings of the Village Council are and shall be open to the public. (O.R.C. 121.22(C))
2. Notwithstanding Section 1, Council may, from time to time, and under such circumstances allowed by law, and as enumerated in Rule 8, adjourn to executive session. (O.R.C. 121.22(G))
3. The Village Council may, in its sole discretion, invite one or more persons to remain in the Chamber during the executive session.
4. All action by the Village Council shall be taken at an open session. (121.22(A))

RULE 2 CORRESPONDENCE AND COMMUNICATIONS

1. Each Member of Council shall be provided with Business Cards which shall include the Member's name, the Village's governmental address, and the email address of the Member.
2. Each Member of Council is to recall that all correspondence and communications sent or received by or on behalf of the Member in the execution of the office shall be considered a PUBLIC RECORD, and a copy shall be preserved by the Member, or the Village, or both. (O.R.C. 149.43(A)(1); 149.011(A))
3. Each Member of Council is to recall that no correspondence or communication may be purged or destroyed except in accordance with the Rules governing the retention and destruction of Public Records. (O.R.C. 149.351)

RULE 3 MEETINGS

1. All meetings of the Village Council are open to the public, and the Council shall make provision to provide adequate space for the attendance of all persons wishing to attend. (O.R.C. 121.22(C))
2. All actions of the Village Council shall be taken in an Open Session (O.R.C. 121.22(A)), and the Clerk of Council shall record the ayes and nays of each vote and shall include all votes in the Record of Proceedings. (O.R.C. 733.27)
3. Regular meetings of the Village Council shall be held in the Peninsula Village Hall on the second Monday of each month, beginning promptly at 7 PM. (Pen. 121.01)
4. Special meetings of the Village Council shall be called, as found to be necessary, by the Clerk of Council, upon either the request of the Mayor or upon the written demand of three Members of Council. Twenty four hours' notice of such special meeting shall be given to each Member of Council. Any request for the calling of a Special Meeting shall include the matters to be considered, and the Notice of the calling of the Special Meeting shall include all such matters with specificity. (O.R.C. 731.46, 731.44; Pen. 121.02, 125.03)
5. The Mayor, as President of Council, shall preside at each meeting of the Village Council (O.R.C. 733.24) and shall call the meeting to order at the time scheduled. In the absence of the Mayor, the President Pro-Tempore of the Council shall perform such duties as are imposed upon the President. (O.R.C. 731.10) In the absence of both the Mayor and the President Pro-Tempore, the Clerk of Council shall call the meeting to order at the scheduled time. In such case, the first order of business shall be the election of a temporary presiding officer, selected by the Members of Council present. The person so selected shall conduct the meeting and shall relinquish the duties upon adjournment.
6. No business shall be conducted at any meeting of the Village Council at which there is not a quorum of at least four Members of Council present. In the absence of a quorum, the Members present may, by majority vote, recess and cause the Clerk of Council to procure the attendance of absent Members. (O.R.C. 731.44)
7. The Fiscal Officer of the Village of Peninsula shall serve as Clerk of Council and shall perform all the duties of the Clerk of Council as prescribed in these Rules, in the Ordinances of the Village of Peninsula, and as mandated by the Ohio Revised Code. (O.R.C. 733.262; Pen. 133.01)

RULE 4 ORGANIZATONAL MEETING

1. Immediately upon the Call to Order at the first Regular Meeting of the Village Council in January of each year, the following shall occur:
 - a. New Members of Council shall be sworn and shall sign the roll acknowledging their oath.
 - b. The Village Council shall select, by majority vote, the Member of Council who shall serve as President Pro-Tempore for that year, who shall immediately take the oath and serve until a new President Pro- Tempore is selected and sworn. (O.R.C. 733.10)

- c. The Mayor shall nominate a Street Commissioner, and the Council shall debate and vote upon the nomination. Upon the consent of the Village Council, by majority vote, the Street Commissioner shall immediately take the oath and shall serve until a new Street Commissioner is selected and sworn unless earlier removed from office pursuant to O.R.C. 735.31 or other applicable provision of the Ohio Revised Code. (O.R.C. 735.31)
- d. If appropriate, the Village Council shall select, by majority vote, the Member of Council who shall serve as Member of the Planning Commission of the Village of Peninsula. The Member so selected shall immediately take the oath and shall serve as Member of the Planning Commission of the Village of Peninsula as provided by law. (O.R.C. 713.01; Pen. 145.01)
- e. The President Pro-Tempore shall nominate such Council Liaisons as are appropriate. The Liaisons shall immediately undertake their responsibilities and shall serve until new Liaisons are selected and sworn, or until the role of Liaison is eliminated by majority vote of the Village Council. (Village of Peninsula Council Rules and Guidelines for the Establishment, Appointment, and Responsibilities of Council Liaisons)
- f. The Mayor shall deliver, orally or in writing, a statement of the condition of the Village, along with a statement of any goals or plans for the year then beginning. (O.R.C. 733.41)

RULE 5 CONFLICTS OF INTEREST

- 1. No Member of Council shall vote, or solicit other Members to vote, on any matter on which the Member of Council has a Conflict of Interest.
- 2. A Member of Council shall be seen to have a Conflict of Interest in any matter in which the Member, or any member of the Member's family, or any Employer or Business Associate of the Member, has any interest, or could benefit in any way from the outcome of the matter being considered.
- 3. There are also other circumstances under which a Member of Council may have a Conflict of Interest, even when there would be no clear financial benefit to the Member or the Member's family.
- 4. Any Member of Council may raise the question as to whether a Member has a Conflict of Interest by raising a Point Of Order during or prior to debate or vote on any matter. In such case, the Solicitor shall offer an Opinion as to whether the Member should recuse from the debate and from the vote. At that point, it is up to the Member to decide whether s/he will recuse themselves from the debate and vote.
- 5. Although not intended as a complete list of those reasons for which a Member should recuse as having a Conflict of Interest, the following are provided for each Member and the Village Council as a whole to consider:

- a. Does the matter concern the Member, the Member's Family, the Member's employer, any Business Associate of the Member, or the Member's interest in any property, real or personal?
- b. Does the matter affect the Member's, the Member's Family's, or any Business Associate of the Member's employment or desire for future employment?
- c. Does the matter concern any contract or agreement involving the Member, the Member's Family, the Member's employer, or any Business Associate of the Member?
- d. Does the matter concern any business or business interest involving the Member, the Member's Family, the Member's employer, or any Business Associate of the Member.

(O.R.C. 102.03, 2921.42, 2921.43; Village of Peninsula Employee Handbook, Freedom from Conflicts of Interest, pp. 8, 9)

RULE 6 ORDER OF BUSINESS

1. The business of the Village Council shall be transacted in accordance with the following agenda format:
 - a. Call to Order and Pledge of Allegiance.
 - b. Roll Call.
 - c. Presentation of the Agenda, and Amendment, as appropriate.
 - d. Presentation and Consideration of the Record of Proceedings of the Prior Regular Meeting, or any Prior Special Meeting.
 - e. Special Matters, as shall be determined by the Chair.
 - f. Citizen Participation.
 - g. Mayor's Report.
 - h. Fiscal Officer Report, including the Financial Report and Consideration of the Payment of Bills and Invoices
 - i. Liaison and Committee Reports.
 - j. Solicitor's Report & Reading/Consideration of Pending Legislation.
 - k. Matters continued from prior Meeting Agendas.
 - l. New Business.
 - m. Executive Session, if required and appropriately called.
 - n. Adjournment.

Citizen Participation shall be allowed to any person in attendance at the meeting and shall, unless otherwise determined by the Village Council, allow the speaker three minutes to address the Council as a whole on any issue of interest in the Village.

In respect to the Council, and for purposes of maintaining a proper Record of Proceedings, each speaker shall first identify herself/himself by name and residence or business address, along with any business or organization affiliation.

Speakers shall observe proper decorum and refrain from using obscenities, engaging in disrespectful conduct, or making personal attacks or insults.

In respect to the speaker, the others in attendance, and for the Agenda of Council for the meeting, there shall be no debate from the Council during or immediately following the speaker's presentation, however, it may be appropriate to return to the statement of the speaker, or the issues raised by the speaker, later in the meeting during the period for Council Debate.

RULE 7 MAYOR'S AUTHORITY

1. The Mayor, as President of Council, shall preside at each Meeting and shall conduct the Proceedings as contained in these Rules, the Ordinances of the Village of Peninsula, and the Ohio Revised Code. (O.R.C. 733.24)
2. The Mayor shall be responsible for the decorum of the Meeting and shall insure that all Members of Council have the opportunity to fully participate in the debate and are treated fairly and respectfully by all present.
3. The Mayor shall have no vote on any matter and shall have no veto on any matter decided by the Village Council, with the exception that if there is a tie vote, the Mayor shall be invited to cast the determining vote, in which case that vote shall have the same legal vote as a vote by any Member of Council. (O.R.C. 733.24)
4. The Mayor shall have no vote and shall not be permitted to cast the determining vote when the question before the Council is on a Nomination made by the Mayor, or when the Council has been asked to otherwise concur in an action taken (or proposed to be taken) by the Mayor.

RULE 8 EXECUTIVE SESSION

1. The Council may meet in Executive Session for the consideration of any item permitted under the Ohio Revised Code. No formal action of any kind may be taken in any Executive Session. (O.R.C. 121.22(H))
2. The decision to adjourn to Executive Session shall be made by motion, duly seconded, and the Clerk shall record the ayes and nays thereon. The Motion shall include a statement by the movant stating the allowed statutory purpose of the Executive Session. (O.R.C. 121.22(G))
3. Upon return to an open meeting from Executive Session, the presiding officer shall certify into the Record of Proceedings the general nature of the matter or matters taken under discussion in the Executive Session.
4. Council Members and other participants in an Executive Session may not disclose, or use for personal profit, any information gathered as the result of an Executive Session. All information discussed, except the general topic, in an Executive Session shall be considered confidential.
5. An Executive Session shall not be recorded by any means or media.

RULE 9 ADJOURNMENT

1. A Motion to Adjourn shall always be in Order, unless the Council is engaged in voting.
2. A Motion to Adjourn shall be decided without debate.

RULE 10 RECORD OF PROCEEDINGS

1. No later than 14 days after the adjournment of a Regular, Special, or Emergency meeting of the Village Council, the Clerk of Council shall tender a DRAFT Record of Proceedings to each Member of Council for review, either electronically or by hand delivery. Concomitant with that tender, the Clerk shall post the Draft Record of Proceedings on the Village website, with the notation that they are un-official and subject to change. (O.R.C. 121.22(C); Pen. 133.02)
2. The Draft Record of Proceedings shall include, by reference, all documents presented to or considered by the Council at the meeting being memorialized. It shall not be required that actual copies of those documents be included in the Draft.
2A: The Final Record of Proceedings shall include all documents presented to or considered by the Council at the meeting being memorialized.
3. In the event that the Council, by majority vote, determines to correct errors in accuracy in the draft Record of Proceedings, the Clerk shall substitute the correction and remove the inaccuracy.
4. Upon adoption of the Record of Proceedings, the original document shall be signed by the Clerk of Council and attested by the Mayor and shall be placed in the Permanent Public Records of the Village of Peninsula. Additionally, promptly after adoption, the website of the Village of Peninsula shall note the adoption and shall remove the 'draft' designation previously assigned.

RULE 11 MEETING PREPARATION

1. No later than the Wednesday prior to a Monday Regular Meeting of the Village Council (or three business days if the Regular Meeting does not take place on a Monday), the Clerk of Council shall provide to each Member of the Council, either electronically or by hand delivery, all of the following:
 - a. The financial reports to be considered at the Regular Meeting, including but not limited to bills being presented for payment.
 - b. The Police Department reports to be considered at the Regular Meeting.
 - c. The Service Department reports to be considered at the Regular Meeting.
 - d. A copy of the Mayor's report, if the Mayor submits a report in writing.
 - e. Copies of all correspondence to be provided to Council in the exercise of its authority.
 - f. Copies of paperwork explaining any proposed project, purchase, or acquisition to be considered by the Council at the Regular Meeting.
 - g. Copies of all proposed legislation currently then pending and which may be considered at the Regular Meeting.

- h. Copies of all Records of Proceedings received from the Planning Commission, the Cemetery Board, or other Boards and/or Commissions.
 - i. Any documents which any person wishes the Village Council to consider or which would assist the Member of Council in the exercise of the authority vested in the Member and the Council.
2. All items enumerated in Paragraph 1 of this Rule shall, at the time of tender to the Council, be posted on the Village Website, unless the Mayor or Fiscal Officer shall object, in writing, to the posting of one or more specific documents. In the case of such objection, the Clerk shall not post the objected to document(s) but shall post a notice that item(s) have been withheld by the Mayor and/or Fiscal Officer in lieu thereof.
 3. Except in the case of emergency, or upon a majority vote of the Council, no documents not previously provided to the Council under Paragraph 1 of this Rule shall be considered or accepted for consideration at the Regular Meeting. All documents tendered after the scheduled time of submission and not accepted for consideration shall be held over to the next Regular Meeting of the Council and shall be then provided to Members of Council as mandated in Paragraph 1 of this Rule.
 4. All documents submitted to Council shall bear the name of the person that presented the document and the date the document was prepared or submitted.

RULE 12 SPECIAL COMMITTEES

The Mayor (or the Council, by majority vote) may appoint any special committee of three persons as s/he deems necessary to investigate, report, and make recommendations on any specifically designated subject. The chair of each Special Committee shall be a Member of Council, while the remaining committee members may come either from the Council or the public at large, allowing only that any member must be qualified as an elector of the Village, as defined by law.

RULE 13 REPORTS

The Report of any Liaison, Committee or Board of the Council, or Municipal Officer, shall be made verbally, or in writing as needed (or as directed by a majority of Council) and shall be accompanied by the original papers upon which such report is based, unless otherwise directed by Council.

RULE 14 TIMELINESS OF REPORTS

Upon the referral of any matter to a Liaison, Committee or Board of the Council, or Municipal Officer, the Clerk of Council shall bring to the Council's attention whenever a referred matter has not been reported on after the passage of 30 days from the time of the referral, unless a different reporting date shall have been ordered at the time of the referral.

RULE 15 VOTES AND VOTING

1. Each Motion shall be introduced by a Member of Council, who shall clearly state the Motion and/or present to the Council a written document stating the Motion. Once

- introduced by a Member of Council, it shall be determined whether there is a second to the Motion, before which there shall be no further discussion or debate of the Motion.
2. Once a Motion is made and seconded, it shall be stated by the Presiding Officer and shall be immediately open to discussion and debate, unless a Motion is made to withdraw it, amend it, or to defer or delay the discussion and/or debate.
 3. While a Motion, duly seconded, is before the Council, the Council shall not move to another matter, or consider another Motion, except that the following Motions shall be considered acceptable (in this order):
 - a. To Adjourn
 - b. To Lay the Motion On the Table
 - c. For the Previous Question
 - d. To Postpone Debate until a Certain further date
 - e. To Recommit, or to Refer the matter to a Standing or Special Committee
 - f. To Amend; and
 - g. To Postpone Indefinitely
 4. The Presiding Officer shall insure that each Member of Council has the opportunity to be heard upon the Motion, that each Member of Council is treated with respect and treats each Member of Council with respect, and that the debate is limited to the question(s) under debate.
 5. When, in the opinion of the Presiding Officer, the Council has completed its discussion and debate upon the Motion, the Clerk shall call the roll and record the ayes and nays upon the Motion.
 6. Each Member of Council present shall cast a vote, either aye or nay, and shall have that vote recorded by the Clerk, except under such circumstances as the Member of Council feels obligated to abstain.
 - a. In the event that a Member of Council abstained from a vote, any Member of Council may challenge the abstention and request that the reasons for abstaining be placed upon the record.
 - b. In the event that a majority of the Members of Council disagree with the decision to abstain, the abstaining Member, after the recording of a majority of the Council so stating, shall be required to record a vote or aye or nay.
 - c. In the event that the Abstaining Member refuses to vote after a majority of the Council so demands, the Council may, by majority vote, hold the Abstaining Member in contempt of the Council or may Censure the Abstaining Member.
 7. After the votes are recorded, the Presiding Officer shall announce whether the Motion has failed or succeeded, and such ruling shall be recorded in the Record of Proceedings, along with the ayes and the nays thereon.
 8. Roll Call voting shall be in alphabetical order and shall be rotated by one place at each Council Meeting.

RULE 16 SPOKESPERSON FOR COUNCIL MATTERS

No person, other than the Mayor or a duly authorized Member of Council, shall serve in the capacity of official spokesperson for Council. This Rule shall specifically apply to, without limitation, administrative staff, employees, Members of any Committee(s) or Board(s) of the Village, and Members of Council.

RULE 17 MEETING ATTENDANCE

1. A majority of the elected Members of Council shall be a quorum. (O.R.C. 731.44)
2. No Member of Council shall leave the Council room while the Council is in session without the consent of the majority of Council, except in an emergency.
3. A Council Member being unable to attend a Meeting of Council shall notify the Clerk of Council no later than 24 hours prior to the scheduled time of the meeting, except in an emergency.
4. In addition to the Members of Council and the Mayor, the following persons shall attend each meeting of Council, unless excused:
 - a. The Fiscal Officer
 - b. The Clerk of Council
 - c. The Chief of Police
 - d. The Street Commissioner; and
 - e. The Village Solicitor
5. A Member of Council wishing to resign the balance of the term for which he or she was elected shall submit a letter of resignation in writing to the Clerk of Council. If the letter of resignation states that the Councilmember is not resigning immediately or contains a resignation date that is later than the date the resignation letter was submitted, Council may vote to accept the letter of resignation, and in that instance, the resignation shall be final as of the resignation date provided in the letter.